

April 5, 2018

VIA ECF

Hon. P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *In re: SunEdison Inc., Securities Litigation*, 16-md-02742-PKC
(Case No. 16-cv-09566-PKC (“*Kearny*”))

Dear Judge Castel:

We represent the Plaintiffs in *Kearny Investors S.à r.l., et al. v. Goldman Sachs & Co., et al.*, 16-cv-09566-PKC, which is one of the individual securities actions currently pending before Your Honor in the SunEdison (“SUNE”) MDL proceeding. As the Court directed at the April 13, 2017 case management conference (ECF No. 189 at 6:22-7:1) and reflected in the Court’s order that same day (ECF No. 186), the individual securities actions were all effectively stayed pending resolution of the motions to dismiss filed in the SUNE securities class action. This Court resolved those motions on March 6, 2018 (ECF No. 308).

Based on Your Honor’s ruling, Plaintiffs in the above-captioned action request that Your Honor: (i) establish an April 17, 2018 deadline for Plaintiffs to amend their complaint; (ii) grant Defendants until May 15, 2018 to file a pre-motion to dismiss letter; and (iii) grant Plaintiffs until May 29, 2018 to respond to any pre-motion to dismiss letter. Defendants consent to this schedule.

Plaintiffs have not previously amended their complaint and therefore retain their right to amend under Fed. R. Civ. P. 15(a)(1)(B). Amendment in this action is necessary to: (i) take into account any events and disclosures relevant to Plaintiffs’ allegations that occurred after Plaintiffs filed their initial complaint; (ii) amend certain jurisdictional and technical allegations; and (iii) take into account the Court’s March 6, 2018 order on the motions to dismiss in the SUNE securities class action. An April 17, 2018 deadline is intended to provide sufficient time to incorporate the above-referenced amendments.

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We believe that the foregoing deadlines will promote the efficient progress of the action, and respectfully request that they be so-ordered by the Court. We are of course available at your convenience to discuss or elaborate on any of these requests.

Respectfully submitted,

/s/ Andrew J. Rossman

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